

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NORTHWEST ENVIRONMENTAL
ADVOCATES,

Plaintiff,

v.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY,

Defendant.

CASE NO. C20-1362 MJP

ORDER TO SHOW CAUSE

The Court issues this Order to Show Cause sua sponte after reviewing the Parties' Stipulated Motion. (Dkt. No. 66.) The Parties ask the Court to modify its Order on the Cross Motions for Summary Judgment and extend EPA's deadline for making a necessity determination by 60 days. (Id.) While the Court might be inclined to consider this request, it appears that the Court lacks jurisdiction over the request given EPA's decision to appeal the Court's Order on the Cross Motions for Summary Judgment. See United States v. Sadler, 480

1 F.3d 932, 941 (9th Cir. 2007) (“Once a notice of appeal is filed, the district court loses
2 jurisdiction over a case.”).

3 The Court therefore ORDERS the Parties to SHOW CAUSE to explain how the Court
4 has jurisdiction to consider the requested relief in the Stipulated Motion. The Parties must file a
5 single, joint response to this Order that shall not exceed 5 pages and shall be filed within 7 days
6 of entry of this Order.

7 The clerk is ordered to provide copies of this order to all counsel.

8 Dated May 20, 2022.

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10 Marsha J. Pechman
11 United States Senior District Judge
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